

Section III:
AMENDMENT UNDER 37 CFR §1.121 to the
DRAWINGS

Corrections to Figures 3 and 4 are proposed and shown in the Appendix.

Section IV:
AMENDMENT UNDER 37 CFR §1.121
REMARKS

Objections to the Figures

In the Office Action, the examiner has objected to Figures 3 and 4 for typographical errors. The Appendix to this reply contains proposed corrections to Figures 3 and 4, with the changes shown in red ink, for the examiner's review and approval. No new matter is entered through these changes.

General Comments and Clarification of Terminology

The present invention is named FTAILOR, and it is a preprocessor for data which is subsequently to be processed by an existing program called FTF, or "File Tailoring Function". Our present invention provides automation and consistency of preparation of files prior to running the existing FTF program on them, in lieu of considerable manual labor to convert each source file into a table which is compatible with input to FTF. Thus, we have described it as a "preprocessor" to the existing FTF program [paragraph 0047]

Perhaps for the purpose of understanding the present invention, one could assume that recitations of FTAILOR also read as TAILOR-PREP or FTPREP.

Objections to the Claims

In the Office Action, objections to Claims 3, 7, and 13, have been made for reasons of containing limitations "*parsenum*" and "*empty*" for being unclear in their meaning, and to Claim 9 for containing a typographical error "*so*", which apparently should read "*to*".

The present amendment corrects the typographical error in Claim 9 to read "*to*" as the examiner has correctly assumed.

With respect to Claims 3, 7, and 13, and the recited "*parsenum*" limitation, our disclosure defines our invention's control parameters in our Table 1 as follows:

- (a) "*parsenum*" as "*a number of input tokens to parse into the KEYS and NAMES variables*";
- (b) the "*KEYS*" control parameter as "*fields for the ISPF table to be created. Tokens 1 through n of the input dataset will be parsed into the first n keys in the KEYS statement*"; and
- (c) the "*NAMES*" control parameter as "*The names of the non-key fields in the generated ISPF table. After the key fields are parsed from the input file the remaining tokens will be parsed into NAMES.*"

As such, the limitation "*parsenum*" is meant to set a number of tokens which the invention will parse into KEYS and NAMES fields.

With respect to the recited "*empty*" control parameter, our Table 1 defines this control parameter as "*If OK, FTAILOR continues processing if no input found. If not OK, FTAILOR ends with a rc=1.*" This parameter controls whether or not our invention proceeds when no input source data is received, and allows the invention to issue a Return Code (e.g. "rc") with one optional setting.

These specific control parameters are disclosed as aspects of one available embodiment of our invention, and thus are claimed in dependent claims. MPEP 2173.01 states:

MPEP 2173.01 Claim Terminology. A fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as the terms are not used in ways that are contrary to accepted meanings in the art.

Further, MPEP 608.01 states:

The claims should be construed in light of the specification.

For these reasons, applicant requests that the objections to claims 3, 7, 9 and 13 be withdrawn.

Rejections under 35 U.S.C. §112

In the Office Action, rejections under 35 U.S.C. §112, second paragraph, have been made for Claim 9 as failing to have proper antecedent basis for the limitation “*said native file tailoring functions*”, and for Claims 3, 7, and 13 as being unclear in the limitations regarding a Markush group of control parameters.

With respect to the rejection of Claim 9, an amendment is present made to recite invoking “*a system file tailoring function*”, which is supported by our disclosure and does not add new matter (paragraphs 0021, 0022, 0031, *et seq.*). Applicant requests withdrawal of the rejection of Claim 9 in view of the present amendment.

With respect to the rejections of claims 3, 7, and 13, the present amendment clarifies confusion which may be caused by the phrase “*selected from the group of a set of keys*”, and by specifying all items in the Markush list are “*parameters*”, as proposed by the Examiner. These specific control parameters which are aspects of one available embodiment of our invention are disclosed clearly in Table 1 of our specification, as discussed in the foregoing paragraphs. Applicant requests withdrawal of the rejections of Claims 3, 7, and 13 in view of the present amendment.

In the Office Action, Claims 2, 3, 4, 5, 8, 9, 10 and 12 are also rejected under 35 U.S.C. §112, second paragraph, but no details have been provided regarding what portions, phrases, steps, elements or limitations are considered to be unclear or lacking antecedent basis. Applicant has considered these claims in light of the stated reasons for rejections of claims 3, 7, and 13, and have made some changes which may alleviate the holding of indefiniteness. However, if rejections of these claims is maintained in the next Office Action, applicant requests that the Office Action not be made final and that more specific details or suggestions be provided by the

examiner (MPEP 2173.02).

Rejections under 35 USC §101

In the Office Action, Claims 9 - 14 have been rejected under 35 USC §101 as being directed to non-statutory matter. The present amendment corrects the language of the claims such that each element is to be interpreted as a device or portion of a device. No new matter has been introduced by this amendment, as the invention was clearly set forth in the disclosure as a system or portion of a computing system (paragraph 0026).

Rejections under 35 U.S.C. §102(b)

In the Office Action, Claims 1, 4, 5, 8, 9, 11, 12 and 14 have been rejected under 35 U.S.C. §102(b) for lack of novelty as being anticipated by pages 2 - 5 and Figures 1 - 2 of applicant's description of the Background of the Invention.

Nearly the entirety of applicant's description of the related art has been characterized as "Applicant's Admitted Prior Art", or ("AAPA"). Applicant traverses this characterization, as only items which are clearly marked "prior art" are to be held by the Examiner as actual prior art. Other information may be disclosed by an applicant in the Background of the Invention without it being admitted as prior art. MPEP 608.01(c) states (emphasis added):

The Background of the Invention ordinarily comprises two parts:

...

(2) Description of the related art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A paragraph(s) describing to the extent practical the state of the prior art or **other information disclosed known to the applicant**, including references to specific prior art **or other information** where appropriate. ...

Further, MPEP 2129 states (emphasis added):

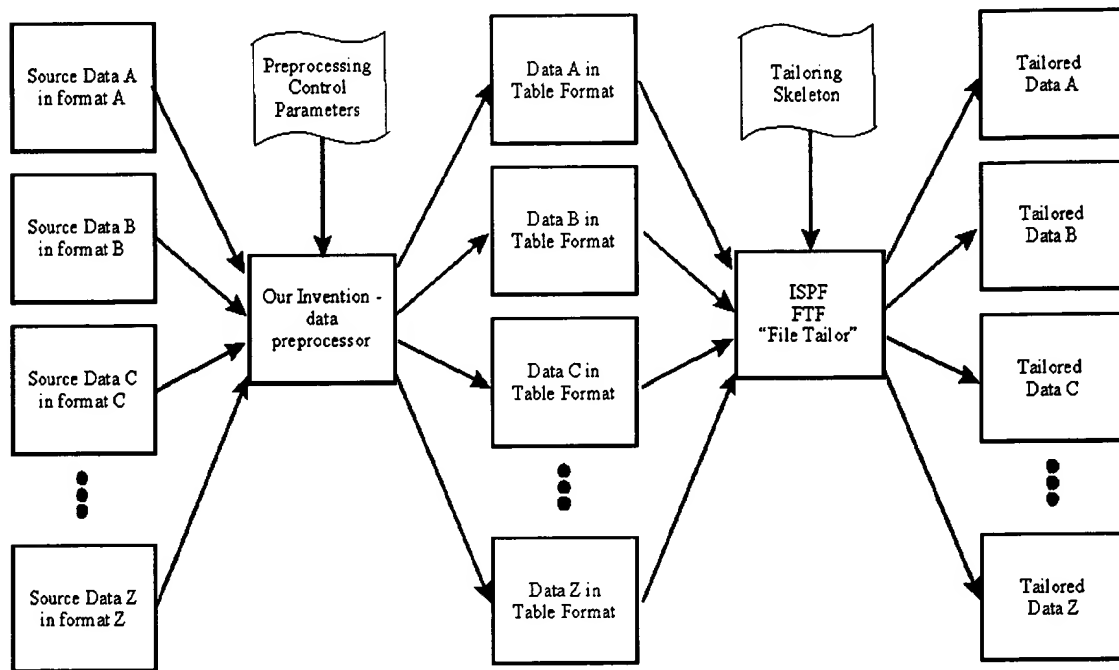
****>A statement by an applicant during prosecution identifying the work of another as "prior art" is an admission that that work is available as prior art against the claims, regardless of whether the admitted prior art would otherwise qualify as prior art under the statutory categories of 35 U.S.C. 102. ... However, even if labeled as "prior art," the work of the same inventive entity may not be considered prior art against the claims unless it falls under one of the statutory categories.**

Applicant has not identified all of the work disclosed in pages 2 - 6 of the specification as "prior art", and thus it is improper to hold the entirety of that portion of the disclosure as applicant admitted prior art. Applicant has identified Figures 1 and 2 as prior art, and thus only the portions of the description pertaining to those figures can be held as AAPA.

With respect to the rejections of Claims 1, 5, and 9, it has been stated in the Office Action that applicant's Figure 1, step 11, discloses "receiving a set of data preparation control parameters". However, Figure 1, step 11, only includes the text "Create a Skeleton for Use by the ISPF File Tailoring Utility". And, our paragraph [0010] describes this "skeleton" as:

First, a user or administrator would create (11) an ISPF FTF "skeleton" (e.g. output template) which indicates to the FTF utility how the output data is to be formatted

Our invention is a preprocessor for data which is to be later processed using FTF. In other words, our invention provides formatting of the source data into a proper format (e.g. a specific table format) so that the tables can then be processed by the FTF function. Perhaps the following diagram (Illustration A) will be useful in understanding where our invention lies in the overall process.



In this illustration, it is desired by a system user to run the FTF program on a set of data (Data A, Data B, ... Data Z), all of which is in different formats initially (Format A, Format B, ... Format Z). As described in the our background section, these data sets would normally be manipulated manually into tables, or scripts would be customized for each different source format to assist in producing the tables which could then be input to FTF.

However, our invention automates this “preparation” or “preprocessing” process by allowing the user to specify our “control parameters”, followed by running our invention on the source data sets (Data A, Data B, ... Data Z). Our invention produces the properly tabulated data, which is later or subsequently input into the FTF program.

The “skeleton” is a control structure input to the FTF program (not our invention) in order to tell the FTF program how the tailored files should be formatted (Tailored Data A, Tailored Data B, ... Tailored Data Z).

As such, an FTF skeleton is not the same as our preprocessing control parameters. We have amended claims 1, 5 and 9 in order to clarify and specify the relationship of our preprocessing steps to the subsequent file tailoring operations to distinguish our control

parameters from the FTF skeleton structure.

Likewise, our description of the FTF process does not disclose building of empty tables *according to the control parameters of our invention*, nor does it disclose processing the source data and loading it into the created tables *according to the control parameters of our invention*. Our description of prior manual processes instead discloses only manual manipulation of source data into FTF input tables, and alternatively manual customization of preprocessing scripts on a *per-format* basis, neither of which includes receiving or using our invention's control parameters.

MPEP 2131 states:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY
ELEMENT OF THE CLAIM (*capitalization emphasis found in original text*)

With respect to an ISPF FTF skeleton being interpreted as being the same as our "control parameters", MPEP 2173.01 states:

MPEP 2173.01 Claim Terminology. A fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as the terms are not used in ways that are contrary to accepted meanings in the art.

And, MPEP 608.01 states:

The claims should be construed in light of the specification.

For these reasons, and in view of the present amendment, applicant requests withdrawal of the rejections of Claims 1, 5, and 9.

With respect to the rejections of Claims 4, 8, 11, 12 and 14, our description of the background of the invention does not teach the elements, steps and limitations as just discussed with respect to the novelty rejections of Claims 1, 5, and 9. Applicant requests withdrawal of the rejections of Claims 4, 8, 11, 12 and 14.

Rejections under 35 U.S.C. §103

In the Office Action, Claims 2, 3, 6, 7, 10 and 13 have been rejected under 35 U.S.C. §103(a) over applicant's description of the related art in view of a document entitled "search390.com Definitions:REXX" (hereinafter "REXX document"), which was submitted by the applicant via Information Disclosure Statement.

Each of these claims depends from either Claim 1, Claim 5, or Claim 9, and as such, the proposed combination fails to teach the steps, elements or details as discussed with respect to the rejections of Claims 1, 5, and 9. MPEP §2143.03 states:

All Claim Limitations Must Be Taught or Suggested. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

For these reasons, applicant requests withdrawal of the rejections of Claims 2, 3, 6, 7, 10 and 13.

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